

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL J. STOCKWELL,

Petitioner,

v.

WASHINGTON STATE,

Respondent.

CASE NO. 21-cv-05455-RJB-SKV

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
ORDER OF TRANSFER

The Court, having reviewed the proposed 28 U.S.C. § 2254 petition for writ of habeas corpus, the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge and the remaining record, no objections were filed, finds and orders as follows:

(1) The Court ADOPTS the Report and Recommendation.

(2) The proposed petition is construed as a request for permission to file a second or successive petition, and this case is hereby TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631 and Ninth Circuit Rule 22-3.

1 (3) Petitioner is advised that this transfer does not itself constitute compliance with §  
2 2244(b) and Ninth Circuit Rule 22-3; he must still file a motion for leave to proceed  
3 in the Court of Appeals and make the showing required by § 2244(b)(2).

4 (4) The Clerk is directed to close this case and to transfer all original documents to the  
5 Ninth Circuit Court of Appeals. The Clerk shall, however, retain a copy of the  
6 petition and this Order in the file. The Clerk shall also direct copies of this Order to  
7 petitioner and to Judge Vaughan.

8 **IT IS SO ORDERED.**

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
10 to any party appearing *pro se* at said party's last known address.

11 Dated this 23<sup>rd</sup> day of August, 2021.

12 

13 ROBERT J. BRYAN  
14 United States District Judge